

**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant(s): Berhanrd Raaf  
Appl. No.: 10/009,858  
Conf. No.: 6325  
Filed: December 22, 2001  
Title: METHOD FOR REGULATING THE TRANSMITTER POWER IN A RADIO  
SYSTEM AND CORRESPONDING RADIO SYSTEM  
Art Unit: 2617  
Examiner: M. C. SAMS  
Docket No.: 112740-344

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' REPLY BRIEF**

Sir:

**I. INTRODUCTION**

Appellants submit Appellants' Reply Brief in response to the Examiner's Answer dated April 8, 2008 pursuant to 37 C.F.R. § 41.41(a). Appellants respectfully submit the Examiner's Answer has failed to remedy the deficiencies with respect to the Final Office Action dated July 20, 2007 as noted in Appellants' Appeal Brief filed on December 19, 2007 for at least the reasons set forth below. Accordingly, Appellants respectfully request that the rejections of pending Claims 25-32, 34-38, 40-43 and 45-48 be reversed.

**II. REGARDING CLAIMS 25-32, 34-38, 40-43 and 45-48 REJECTED UNDER 35 USC 103(a) AS UNPATENTABLE OVER UESUGI IN VIEW OF HOGAN**

In response to the Examiner's "Response to Arguments" beginning on page 9, section (10) of the Examiner's Answer, Applicants submit the following reply in addition to the remarks of record.

**A. Uesugi Art Fails To Teach Embedding The Power Control Information In A Timeslot Structure Together With Further Data To Be Transmitted In The Same Timeslot Ro Said Transmitter**

The Examiner cites col. 19, ln. 37 – col. 20, ln. 9; and Figs. 16A and 16B and various other sections as disclosing power control information (i.e. TPC) embedded in a timeslot structure (i.e. first slot) together with further data (i.e. pilot symbols and D0-D6) to be transmitted in the same timeslot to said transmitter. Appellant respectfully disagrees. Uesugi fails to perform the encoding such that the power control information of a timeslot, by adding redundancy, together with further data to be transmitted in the same timeslot, is encoded to form a common data word. Rather, referring to col. 19, lns. 48-51 and Fig. 16B, Uesugi only discloses repeatedly sending the transmission data given at a low data rate. There is simply no mention of power control information or encoding the power control information of a timeslot, by adding redundancy, together with further data to be transmitted in the same timeslot, to form a common data word, as required by the claimed invention.

**B. Hogan Fails To Disclose Power Control And Does Not Disclose That One Bit Value In The Data Word Depends On The Power Control Information And On The Further Data**

Hogan discloses the use of an ECC code which can also implicate user data by means of an XOR gate (paragraph [0013]). However, Hogan fails to disclose any information that the ECC code and the relevant method are applied with respect to power control information.

### III. CONCLUSION

For the foregoing reasons, Appellants respectfully submit that the Examiner's Answer does not remedy the deficiencies noted in Appellants' Appeal Brief with respect to the Final Office Action. Appellants respectfully submit that the Patent Office has failed to establish a *prima facie* case of obviousness under 35 USC 103(a) with respect to the rejections of the claims. Accordingly, Appellants respectfully submit that the rejections are erroneous in law and in fact and should therefore be reversed by this Board.

No fee is due in connection with this Reply Brief. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112740-344 on the account statement.

Respectfully submitted,

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